

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA
Plaintiff,

-vs-

Case No. 11-20551
Hon. Robert H. Cleland

DR. PAUL KELLY
Defendant
_____ /

**STIPULATED ORDER FOR
NEUROLOGICAL, PSYCHIATRIC OR PSYCHOLOGICAL
EXAMINATION OF DEFENDANT, DR. PAUL KELLY**

UPON THE UNOPPOSED MOTION of Henry M. Scharg, counsel for Defendant for a competency evaluation, pursuant to the Insanity Defense Reform Act of 1984, 18 U.S.C. 4241, there is reasonable cause to believe that the Defendant, Dr. Paul Kelly, may presently be suffering from a mental disease or defect rendering him mentally incompetent to stand trial; and

UPON THE STIPULATION of counsel for the Government and counsel for Defendant to have the above-noted Defendant evaluated for competency to stand trial pursuant to 18 U.S.C. 4241(b);

ACCORDINGLY, IT IS HEREBY ORDERED that Defendant DR. PAUL KELLY be evaluated for competency to stand trial, pursuant to the Insanity Defense Reform Act of 1984, 18 U.S.C. 4241-4247; and

IT IS THE FURTHER ORDER OF THE COURT that a neurologist, neuropsychologist, psychiatrist or psychologist employed by the United States be appointed,

authorized, and directed to examine the mental condition of the defendant, pursuant to 4241(a),(b), and 4247(b).

IT IS THE FURTHER ORDER OF THE COURT that the examining neurologist, neuropsychologist, psychiatrist or psychologist prepare, as soon as practical, a written report that includes (1) the defendant's history and present psychological and biological symptoms; (2) a description of the neurological, psychiatric, psychological and medical tests that were employed and their results; (3) the examiner's findings; and (4) the examiner's opinions as to diagnosis, prognosis and whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, see 18 U.S.C. 4241(b), 4247(c);

IT IS THE FURTHER ORDER OF THE COURT that Defendant shall voluntarily surrender to FMC Lexington, Kentucky or other federal medical center designated by the Bureau of Prisons on September 2, 2014, at 2:00 p.m., for service of his eighteen (18) month sentence imposed by the Hon. Gerald Rosen in USA v Rahman et al., Case No 11-20540; and where the complete neuropsychological and/or neurological evaluation can be conducted by mental health personnel on staff to determine the Defendant's competency to stand trial in the above-captioned matter.

IT IS THE FURTHER ORDER OF THE COURT that the examiner promptly file the written report with this Court and provide copies of the report to defense counsel and the attorney for the government. The report may be used only for purposes of a competency hearing. Statements made by the defendant in the course of the examination are not admissible unless the defendant raises the defense of insanity.

IT IS THE FINDING OF THE COURT that the period beginning with defendant's motion and ending with the conclusion of the competency hearing which will take place at a date and time set by this Court after the Court and the parties receive the examiner's written report, be deemed excludable delay under the Speedy Trial Act pursuant to 18 U.S.C. 3161(h)(1)(A) and (h)(1)(F).

IT IS SO ORDERED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 23, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 23, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522